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Nursing and Psychiatric Technicians

**FILED**

DEC 22 2008

CLERK OF THE SUPERIOR COURT  
BY: STACEY WAHLUND, DEPUTY CLERK

9 **SUPERIOR COURT OF CALIFORNIA**

10 **COUNTY OF SHASTA**

11  
12 **THE PEOPLE OF THE STATE OF CALIFORNIA,**

13 Plaintiff,

14 v.

15 **LISA MARIE MARTIN,**

16 Defendant.

Case No. 08-09048

[Proposed]

**ORDER PROHIBITING  
DEFENDANT FROM USING  
VOCATIONAL NURSING  
LICENCE AND BAIL  
CONDITION**

[Penal Code section 23]

Date: December 22, 2008

Time: 8:30 a.m.

Dept: 2

Judge: Hon. James Ruggiero

Trial Date: N/A

Action Filed: October 30, 2008

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22 This matter came on specially on the application of Teresa Bello-Jones solely in her  
23 official capacity as Executive Director of the Bureau of Vocational Nursing and Psychiatric  
24 Technicians. Applicant appeared through her attorneys of record, the California Attorney General's  
25 Office, by Deputy Attorney General Brian S. Turner. Defendant Lisa Marie Martin appeared in pro  
26 per.

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28 ///

**RECEIVED**

DEC 16 2008

CLERK OF THE  
SUPERIOR COURT

1 The Court having considered the application, supporting documents and oral argument and  
2 information presented at the hearing of this matter and finding good cause appearing to support the  
3 applicant's request:

4 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT** Lisa Marie Martin  
5 shall not perform any acts for which a vocational nursing license is required until the conclusion of  
6 the pending criminal proceeding or the license disciplinary action, whichever is later.

7 **IT IS FURTHER ORDERED** that pursuant to Penal Code section 23, this order shall be  
8 part of any bail ordered by this court arising out of this criminal proceeding whether issued prior  
9 or subsequent to this order.

10 **IT IS FURTHER ORDERED** that Lisa Marie Martin shall immediately surrender to the  
11 Bureau, all indicia of Defendant's licensing as a California vocational nurse, including but not  
12 limited to cards and wall certificates.

13 DATED 12/22/08

14  
15 **JAMES RUGGIERO**

16 JUDGE OF THE SUPERIOR COURT,  
17 STATE OF CALIFORNIA  
18 COUNTY OF SHASTA  
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7 Attorneys for Complainant

8  
9 **BEFORE THE**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **FOR THE BUREAU OF VOCATIONAL NURSING AND PSYCHIATRIC**  
**TECHNICIANS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 LISA MARIE MARTIN  
5440 Rosswood Lane  
14 Redding, CA 96001

15 Vocational Nurse License No. VN 194866

16 Respondent.

Case No. VN-2007-1224

**DEFAULT DECISION  
AND ORDER**

[Gov. Code, §11520]

17 **FINDINGS OF FACT**

18 1. On or about November 24, 2008, Complainant Teresa Bello-Jones, J.D.,  
19 M.S.N., R.N., in her official capacity as the Executive Officer of the Bureau of Vocational  
20 Nursing and Psychiatric Technicians, Department of Consumer Affairs, filed Accusation No.  
21 VN-2007-1224 against Lisa Marie Martin (Respondent) before the Director of Consumer Affairs.

22 2. On or about April 18, 2001, the Bureau of Vocational Nursing and  
23 Psychiatric Technicians (Bureau) issued Vocational Nurse License No. VN 194866 to  
24 Respondent. The Vocational Nurse License was in full force and effect at all times relevant to  
25 the charges brought herein and will expire on September 30, 2010, unless renewed.

26 3. On or about November 24, 2008, Cathleen Logan, an employee of the of  
27 the California Attorney General's Office, served by Certified and First Class Mail a copy of the  
28

1 Accusation No. VN-2007-1224, Statement to Respondent, Notice of Defense, Request for  
2 Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's  
3 address of record with the Bureau, which was and is:

4 5440 Rosswood Lane  
5 Redding, CA 96001.

6 A copy of the Accusation is attached as exhibit A, and is incorporated herein by reference.

7 4. Service of the Accusation was effective as a matter of law under the  
8 provisions of Government Code section 11505, subdivision (c).

9 5. On or about November 25, 2008, the certified envelope containing the  
10 accusation was accepted and the return receipt signed.

11 6. Government Code section 11506 states, in pertinent part:

12 (c) The respondent shall be entitled to a hearing on the merits if the  
13 respondent files a notice of defense, and the notice shall be deemed a specific  
14 denial of all parts of the accusation not expressly admitted. Failure to file a notice  
15 of defense shall constitute a waiver of respondent's right to a hearing, but the  
16 agency in its discretion may nevertheless grant a hearing.

17 7. Respondent failed to file a Notice of Defense within 15 days after service  
18 upon her of the Accusation, and therefore waived her right to a hearing on the merits of  
19 Accusation No. VN-2007-1224.

20 8. California Government Code section 11520 states, in pertinent part:

21 (a) If the respondent either fails to file a notice of defense or to appear at  
22 the hearing, the agency may take action based upon the respondent's express  
23 admissions or upon other evidence and affidavits may be used as evidence without  
24 any notice to respondent.

25 9. Pursuant to its authority under Government Code section 11520, the  
26 Director finds Respondent is in default. The Director will take action without further hearing  
27 and, based on the evidence on file herein, finds that the allegations in Accusation No.  
28 VN-2007-1224 are true.

10. The total cost for investigation and enforcement in connection with the  
Accusation are \$3,265.00

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## DETERMINATION OF ISSUES

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2           1.     Based on the foregoing findings of fact, Respondent Lisa Marie Martin has  
3 subjected her Vocational Nurse License No. VN 194866 to discipline.

4           2.     A copy of the Accusation is attached. Exhibit A.

5           3.     The agency has jurisdiction to adjudicate this case by default.

6           4.     The Director of Consumer Affairs is authorized to revoke Respondent's  
7 Vocational Nurse License based upon the following violations alleged in the Accusation:

8               a.     Three causes of action for violating Business and Professions Code  
9 Section 2878 (a) for diverting, possessing and self administration of controlled substances  
10 Norco, Vicodin, and Dilaudid between September 2007 and April 2008 at three (3) separate  
11 health care facilities.

12               b.     Three (3) causes of action for violating Business and Professions  
13 Code 2878.5 (e), unprofessional conduct, for making false entries in hospital and patient records  
14 on twenty-six (26) occasions between September 2007 and April 2008.

15               c.     Three (3) causes of action for violating Business and Professions  
16 Code Section 2878.5 (b), unprofessional conduct for use of controlled substances in a manner  
17 dangerous or injurious to herself or others on November 23, 2007, March 6, 2008 and April 3,  
18 2008.

19               d.     Three (3) causes of action for violation of Business and Professions  
20 Code Section 2878 (j) dishonest acts.

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ORDER

IT IS ORDERED that Vocational Nurse License No. VN 194866, issued to Respondent Lisa Marie Martin, is revoked.

Respondent may, pursuant to Government Code section 11520, subdivision (c), file a written motion requesting this Decision be vacated. The motion must state the grounds relied on and be filed within seven (7) days after service of this Decision on Respondent. The Department in its discretion may vacate the Decision and grant a hearing if good cause is shown as defined in the statute.

This Decision shall become effective on January 21, 2009.

It is so ORDERED December 22, 2008

*P. J. Harris*

PATRICIA HARRIS

Deputy Director, Board / Bureau Support  
Department of Consumer Affairs

~5630634.wpd

DO: docket number:SA200830639;

Attachment:

Exhibit A: Accusation No.VN-2007-1224

Exhibit A

Accusation No. VN-2007-1224

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
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7 Attorneys for Complainant

**FILED**

NOV 24 2008

Board of Vocational Nursing  
and Psychiatric Technicians

8  
9 **BEFORE THE**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **FOR THE BUREAU OF VOCATIONAL NURSING**  
11 **AND PSYCHIATRIC TECHNICIANS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. VN-2007-1224

13 LISA MARIE MARTIN  
5440 Rosswood Lane  
14 Redding, CA 96001

**A C C U S A T I O N**

15 Vocational Nurse License No. VN 194866

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this  
21 Accusation solely in her official capacity as the Executive Officer of the Bureau of Vocational  
22 Nursing and Psychiatric Technicians ("Bureau"), Department of Consumer Affairs.

23 2. On or about April 18, 2001, the Bureau issued Vocational Nurse License  
24 Number VN 194866 to Lisa Marie Martin ("Respondent"). Respondent's vocational nurse  
25 license will expire on September 30, 2010, unless renewed.

26 **STATUTORY PROVISIONS**

27 3. Business and Professions Code ("Code") section 2875 provides, in  
28 pertinent part, that the Board may discipline the holder of a vocational nurse license for any



1 reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice  
2 Act.

3 4. Code section 22, subdivision (a), states:

4 "Board" as used in any provision of this Code, refers to the board in  
5 which the administration of the provision is vested, and unless otherwise expressly  
6 provided, shall include "bureau," "commission," "committee," "department,"  
7 "division," "examining committee," "program," and "agency."

8 5. Code section 101.3, subdivision (b), provides, in pertinent part, that in the  
9 event a board becomes inoperative or is repealed, the Department of Consumer Affairs shall  
10 succeed to and is vested with all the duties, powers, purposes, responsibilities, and jurisdiction  
11 not otherwise repealed or made inoperative of the board and its executive officer. Every  
12 reference to the inoperative or repealed board, as defined in Code section 477, shall be deemed to  
13 be a reference to the department. Any reference to the executive officer of an inoperative or  
14 repealed board shall be deemed to be a reference to the director or his or her designee. Code  
15 section 150 states that the department is under the control of a civil executive officer who is  
16 known as the Director of Consumer Affairs.

17 6. Code section 2878 states, in pertinent part:

18 The Board may suspend or revoke a license issued under this chapter [the  
19 Vocational Nursing Practice Act (Bus. & Prof. Code § 2840, et seq.)] for any of  
20 the following:

21 (a) Unprofessional conduct . . .

22 (j) The commission of any act involving dishonesty, when that action is  
23 related to the duties and functions of the licensee . . .

24 7. Code section 2878.5 states, in pertinent part:

25 In addition to other acts constituting unprofessional conduct within the  
26 meaning of this chapter [the Vocational Nursing Practice Act] it is unprofessional  
27 conduct for a person licensed under this chapter to do any of the following:

28 (a) Obtain or possess in violation of law, or prescribe, or except as  
directed by a licensed physician and surgeon, dentist or podiatrist administer to  
himself or herself or furnish or administer to another, any controlled substance as  
defined in Division 10 of the Health and Safety Code, or any dangerous drug as  
defined in Section 4022.

1 (b) Use any controlled substance as defined in Division 10 of the Health  
2 and Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic  
3 beverages, to an extent or in a manner dangerous or injurious to himself or herself,  
4 any other person, or the public, or to the extent that the use impairs his or her  
5 ability to conduct with safety to the public the practice authorized by his or her  
6 license.

7  
8 (c) Falsify, or make grossly incorrect, grossly inconsistent, or  
9 unintelligible entries in any hospital, patient, or other record pertaining to  
10 narcotics or dangerous drugs as specified in subdivision (b).

11  
12 8. Code section 4060 states:

13 No person shall possess any controlled substance, except that furnished to  
14 a person upon the prescription of a physician, dentist, podiatrist, optometrist,  
15 veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished  
16 pursuant to a drug order issued by a certified nurse-midwife pursuant to Section  
17 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician assistant  
18 pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or  
19 a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause  
20 (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052.  
21 This section shall not apply to the possession of any controlled substance by a  
22 manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist,  
23 optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse  
24 practitioner, or physician assistant, when in stock in containers correctly  
25 labeled with the name and address of the supplier or producer.

26 Nothing in this section authorizes a certified nurse-midwife, a nurse  
27 practitioner, a physician assistant, or a naturopathic doctor, to order his or  
28 her own stock of dangerous drugs and devices.

9. Health and Safety Code section 11170 states that no person shall prescribe,  
administer, or furnish a controlled substance for himself.

10. Health and Safety Code section 11173, subdivision (a), states, in pertinent  
part:

No person shall obtain or attempt to obtain controlled substances, or  
procure or attempt to procure the administration of or prescription for controlled  
substances, (1) by fraud, deceit, misrepresentation, or subterfuge . . .

### COST RECOVERY

11. Code section 125.3 provides, in pertinent part, that the Board may request  
the administrative law judge to direct a licensee found to have committed a violation or  
violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
and enforcement of the case.

## CONTROLLED SUBSTANCES AT ISSUE

12. "Norco", a combination drug containing hydrocodone bitartrate 10 mg and acetaminophen 325 mg, is a Schedule III controlled substance as designated by Health and Safety Code section 11056, subdivision (e)(4).

13. "Vicodin" is a compound consisting of 5 mg hydrocodone bitartrate, also known as dihydrocodeinone, and 500 mg acetaminophen per tablet, and is a Schedule III controlled substance as designated by Health and Safety Code section 11056, subdivision (e)(4).

14. "Dilaudid", a brand name for hydromorphone, is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (b)(1)(K).

15. "Oxycodone" is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (b)(1)(N).

16. "Valium", a brand name for diazepam, is a Schedule IV controlled substance as designated by Health and Safety Code section 11057, subdivision (d)(9).

17. "Oxazepam" is a Schedule IV controlled substance as designated by Health and Safety Code section 11057, subdivision (d)(23).

18. "Xanax", a brand name for alprazolam, is a Schedule IV controlled substance as designated by Health and Saf. Code section 11057, subdivision (d)(1).

## WINDSOR REDDING CARE CENTER

### FIRST CAUSE FOR DISCIPLINE

#### **(Diversion, Possession, and Self-Administration of Controlled Substances)**

19. Respondent is subject to disciplinary action pursuant to Code section 2878, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2878.5, subdivision (a), in that in and between September 2007, and November 2007, while on duty as a licensed vocational nurse at Windsor Redding Care Center ("WRCC"), a skilled nursing facility located in Redding, California, Respondent did the following:

#### **Diversion of Controlled Substances:**

a. Respondent obtained the controlled substances Norco, Vicodin, and Dilaudid by fraud, deceit, misrepresentation, or subterfuge in violation of Health and Safety Code

1 section 11173, subdivision (a), as follows: Respondent stole approximately four to five Norco  
2 tablets per day from the PRN supply for various patients, then used the Norco both on and off  
3 duty. Further, Respondent signed out various quantities of Vicodin, Norco, and Dilaudid from  
4 WRCC's narcotics storage cart under the names of several different patients, and failed to chart  
5 the administration of the controlled substances in the medication administration records  
6 ("MAR") and nursing notes and otherwise account for the disposition of the controlled  
7 substances. Respondent was later terminated from WRCC when she was found impaired while  
8 on duty, as set forth in paragraph 20 below.

9 **Possession of Controlled Substances:**

10 b. Respondent possessed various quantities of the controlled substances  
11 Norco, Vicodin, and Dilaudid, as set forth in subparagraph (a) above, without valid prescriptions  
12 from a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor, in violation  
13 of Code section 4060.

14 **Self-Administration of Controlled Substances:**

15 c. Respondent self-administered various quantities of the controlled  
16 substance Norco without lawful authority therefor, as set forth in subparagraph (a) above.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Use of Controlled Substances to an Extent or in a Manner**

19 **Dangerous or Injurious to Oneself or Others)**

20 20. Respondent is subject to disciplinary action pursuant to Code section  
21 2878, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section  
22 2878.5, subdivision (b), in that on or about November 23, 2007, while on duty as a licensed  
23 vocational nurse at WRCC, Respondent used the controlled substances Vicodin, Norco, and/or  
24 Dilaudid to an extent or in a manner dangerous or injurious to herself and/or others or to the  
25 extent that such use impaired her ability to conduct her nursing duties safely, as follows: On the  
26 date indicated above, licensed vocational nurse W. R. observed that Respondent was unable to  
27 keep her eyes open and was having a difficult time standing and forming words. Respondent's  
28 supervisor, registered nurse C. W., was told by another staff member that Respondent was "in

1 bad shape". C. W. located Respondent on wing 2 and observed that she was stumbling, could  
2 not keep her eyes open, and was mumbling. C. W. told Respondent that she was not safe to pour  
3 medications and relieved her of duty.

### 4 THIRD CAUSE FOR DISCIPLINE

#### 5 (False Entries in Hospital/Patient Records)

6 21. Respondent is subject to disciplinary action pursuant to Code section  
7 2878, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section  
8 2878.5, subdivision (e), in that in and between September 2007, and November 2007, while on  
9 duty as a licensed vocational nurse at WRCC, Respondent falsified, or made grossly incorrect,  
10 grossly inconsistent, or unintelligible entries in hospital, patient, or other records pertaining to the  
11 controlled substances Vicodin, Norco, and Dilaudid as follows:

#### 12 Patient A:

13 a. On October 27, 2007, at 1600 hours, Respondent signed out on the  
14 Controlled Drug Record one tablet of Vicodin for patient A, but failed to chart the administration  
15 of the Vicodin in the patient's MAR and nursing notes and otherwise account for the disposition  
16 of the one Vicodin tablet.

17 b. On October 27, 2007, at 2000 hours, Respondent signed out on the  
18 Controlled Drug Record one tablet of Vicodin for patient A, but failed to chart the administration  
19 of the Vicodin in the patient's MAR and nursing notes and otherwise account for the disposition  
20 of the one Vicodin tablet.

21 c. On October 30, 2007, at 1600 hours, Respondent signed out on the  
22 Controlled Drug Record one tablet of Vicodin for patient A, but failed to chart the administration  
23 of the Vicodin in the patient's MAR and nursing notes and otherwise account for the disposition  
24 of the one Vicodin tablet.

25 d. On October 30, 2007, at 2000 hours, Respondent signed out on the  
26 Controlled Drug Record one tablet of Vicodin for patient A, but failed to chart the administration  
27 of the Vicodin in the patient's MAR and nursing notes and otherwise account for the disposition  
28 of the one Vicodin tablet.

1 e. On November 22, 2007, at 0800 hours, Respondent signed out on the  
2 Controlled Drug Record one tablet of Vicodin for patient A, but failed to chart the administration  
3 of the Vicodin in the patient's MAR and nursing notes and otherwise account for the disposition  
4 of the one Vicodin tablet.

5 f. On November 22, 2007, at 1200 hours, Respondent signed out on the  
6 Controlled Drug Record one tablet of Vicodin for patient A, but failed to chart the administration  
7 of the Vicodin in the patient's MAR and nursing notes and otherwise account for the disposition  
8 of the one Vicodin tablet.

9 **Patient B:**

10 g. On November 22, 2007, at 0800 hours, Respondent signed out on the  
11 Controlled Drug Record two tablets of Norco for patient B, but failed to chart the administration  
12 of the Norco in the patient's MAR and nursing notes and otherwise account for the disposition of  
13 the two Norco tablets.

14 h. On November 22, 2007, at 1200 hours, Respondent signed out on the  
15 Controlled Drug Record a total of four tablets of Norco for patient B, documented on that same  
16 record that she wasted two tablets of the medication, but failed to have the wastage witnessed by  
17 another nurse in that there was no co-signature for the wastage. Further, Respondent failed to  
18 chart the administration of the remaining two tablets of Norco in the patient's MAR and nursing  
19 notes and otherwise account for the disposition of the four Norco tablets.

20 **Patient C:**

21 i. On November 15, 2007, at 1600 hours, Respondent signed out on the  
22 Controlled Drug Record one tablet of Vicodin for patient C, but failed to chart the administration  
23 of the Vicodin in the patient's MAR and nursing notes and otherwise account for the disposition  
24 of the one Vicodin tablet.

25 j. On November 15, 2007, at 2000 hours, Respondent signed out on the  
26 Controlled Drug Record one tablet of Vicodin for patient C, but failed to chart the administration  
27 of the Vicodin in the patient's MAR and nursing notes and otherwise account for the disposition  
28 of the one Vicodin tablet.



1 k. On November 22, 2007, at 0800 hours, Respondent signed out on the  
2 Controlled Drug Record one tablet of Vicodin for patient C, but failed to chart the administration  
3 of the Vicodin in the patient's MAR and nursing notes and otherwise account for the disposition  
4 of the one Vicodin tablet.

5 l. On November 22, 2007, at 1200 hours, Respondent signed out on the  
6 Controlled Drug Record one tablet of Vicodin for patient C, but failed to chart the administration  
7 of the Vicodin in the patient's MAR and nursing notes and otherwise account for the disposition  
8 of the one Vicodin tablet.

9 m. On November 22, 2007, at 1600 hours, Respondent signed out on the  
10 Controlled Drug Record one tablet of Vicodin for patient C, but failed to chart the administration  
11 of the Vicodin in the patient's MAR and nursing notes and otherwise account for the disposition  
12 of the one Vicodin tablet.

13 **Patient D:**

14 n. On November 15, 2007, at 1600 hours, Respondent signed out on the  
15 Controlled Drug Record one tablet of Dilaudid for patient D, but failed to chart the  
16 administration of the Dilaudid in the patient's MAR and nursing notes and otherwise account for  
17 the disposition of the one Dilaudid tablet.

18 o. On November 15, 2007, at 2000 hours, Respondent signed out on the  
19 Controlled Drug Record one tablet of Dilaudid for patient D, but failed to chart the  
20 administration of the Dilaudid in the patient's MAR and nursing notes and otherwise account for  
21 the disposition of the one Dilaudid tablet.

22 p. On November 22, 2007, at 1600 hours, Respondent signed out on the  
23 Controlled Drug Record two tablets of Dilaudid for patient D when, in fact, the physician's order  
24 called for the administration of only one tablet of Dilaudid for the patient. Further, Respondent  
25 failed to chart the administration of the Dilaudid in the patient's MAR and nursing notes and  
26 otherwise account for the disposition of the two Dilaudid tablets.

27 q. On November 22, 2007, at 2000 hours, Respondent signed out on the  
28 Controlled Drug Record two tablets of Dilaudid for patient D when, in fact, the physician's order

1 called for the administration of only one tablet of Dilaudid for the patient. Further, Respondent  
2 failed to chart the administration of the Dilaudid in the patient's MAR and nursing notes and  
3 otherwise account for the disposition of the two Dilaudid tablets.

#### 4 FOURTH CAUSE FOR DISCIPLINE

##### 5 (Dishonest Acts)

6 22. Respondent is subject to disciplinary action pursuant to Code section  
7 2878, subdivision (j), in that in and between September 2007, and November 2007, Respondent  
8 committed acts involving dishonesty while licensed as a vocational nurse, as set forth in  
9 paragraphs 19 (a) and 21 above.

#### 10 **CANYONWOOD NURSING AND REHABILITATION CENTER**

#### 11 FIFTH CAUSE FOR DISCIPLINE

##### 12 (Diversion, Possession, and Self-Administration of Controlled Substances)

13 23. Respondent is subject to disciplinary action pursuant to Code section  
14 2878, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section  
15 2878.5, subdivision (a), in that in and between December 2007, and March 2008, while on duty  
16 as a licensed vocational nurse at Canyonwood Nursing and Rehabilitation Center ("CNRC"),  
17 Redding, California, Respondent did the following:

##### 18 **Diversion of Controlled Substances:**

19 a. Respondent obtained the controlled substances Vicodin and Norco by  
20 fraud, deceit, misrepresentation, or subterfuge in violation of Health and Safety Code section  
21 11173, subdivision (a), as follows: Respondent stole approximately four to five Vicodin or  
22 Norco tablets per day from the PRN supply for various patients, then used the Vicodin and/or  
23 Norco while on duty. Further, Respondent signed out Vicodin from CNRC's narcotics storage  
24 cart under the name of patient A, and failed to chart the administration of the controlled  
25 substance in the patient's MAR and nursing notes, and otherwise account for the disposition of  
26 the Vicodin. On or about March 6, 2008, Respondent was terminated from CNRC when she was  
27 found impaired while on duty, as set forth in paragraph 24 below.

28 ///



**Possession of Controlled Substances:**

b. Respondent possessed various quantities of the controlled substances Vicodin and Norco, as set forth in subparagraph (a) above, without valid prescriptions from a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor, in violation of Code section 4060.

**Self-Administration of Controlled Substances:**

c. Respondent self-administered various quantities of the controlled substances Vicodin and Norco without lawful authority therefor, as set forth in subparagraph (a) above.

**SIXTH CAUSE FOR DISCIPLINE**

**(Use of Controlled Substances to an Extent or in a Manner**

**Dangerous or Injurious to Oneself or Others)**

24. Respondent is subject to disciplinary action pursuant to Code section 2878, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2878.5, subdivision (b), in that on or about March 6, 2008, while on duty as a licensed vocational nurse at CNRC, Respondent used the controlled substance Vicodin to an extent or in a manner dangerous or injurious to herself and/or others or to the extent that such use impaired her ability to conduct her nursing duties safely, as follows: On the date indicated above, while she was off-duty at home, M. B., the Director of Nursing, received telephone calls from CNRC staff indicating that Respondent was impaired and not fit for duty. M. B. went to the facility and located Respondent. While talking with Respondent, M. B. observed that she had a flat affect, her eyes were heavy and slow to respond, her speech was slurred, and she was nodding off and sleeping during the conversation.

**SEVENTH CAUSE FOR DISCIPLINE**

**(False Entries in Hospital/Patient Records)**

25. Respondent is subject to disciplinary action pursuant to Code section 2878, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2878.5, subdivision (e), in that on or about March 6, 2008, while on duty as a licensed vocational

1 nurse at CNRC, Respondent falsified, or made a grossly incorrect, grossly inconsistent, or  
2 unintelligible entry in hospital, patient, or other records pertaining to the controlled substance  
3 Vicodin as follows: On March 6, 2008, at 1500 hours, Respondent signed out on the Controlled  
4 Drug Record one tablet of Vicodin for patient A, but failed to chart the administration of the  
5 Vicodin in the patient's MAR and nursing notes and otherwise account for the disposition of the  
6 one Vicodin tablet.

#### 7 **EIGHTH CAUSE FOR DISCIPLINE**

##### 8 **(Dishonest Acts)**

9 26. Respondent is subject to disciplinary action pursuant to Code section  
10 2878, subdivision (j), in that in and between December 2007, and March 2008, Respondent  
11 committed acts involving dishonesty while licensed as a vocational nurse, as set forth in  
12 paragraphs 23 (a) and 25 above.

#### 13 **OAK RIVER REHABILITATION**

#### 14 **NINTH CAUSE FOR DISCIPLINE**

##### 15 **(Diversion, Possession, and Self-Administration of Controlled Substances)**

16 27. Respondent is subject to disciplinary action pursuant to Code section  
17 2878, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section  
18 2878.5, subdivision (a), in that in and between March and April 2008, while on duty as a licensed  
19 vocational nurse at Oak River Rehabilitation ("ORR"), Anderson, California, Respondent did the  
20 following:

##### 21 **Diversion of Controlled Substances:**

22 a. Respondent obtained controlled substances, including, but not limited to,  
23 Dilaudid, oxycodone, Valium, Norco, and/or Xanax by fraud, deceit, misrepresentation, or  
24 subterfuge in violation of Health and Safety Code section 11173, subdivision (a), as follows:  
25 Respondent stole the above-listed medications from the PRN supply for various patients.  
26 Further, Respondent signed out Dilaudid, oxycodone, Valium, Norco, and Xanax from ORR's  
27 narcotics storage unit under the names of several different patients, and failed to chart the  
28 administration of the controlled substances in the patients' MAR's and nursing notes and

1 otherwise account for the disposition of the controlled substances. Respondent also signed out  
2 Valium and Xanax after she had been relieved of duty. Respondent was terminated from ORR  
3 after she was found impaired while on duty on April 3, 2008, as set forth in paragraph 27 below,  
4 and after testing positive for benzodiazepines (oxazepam).

5 **Possession of Controlled Substances:**

6 b. Respondent possessed various quantities of the controlled substances  
7 Dilaudid, oxycodone, Valium, Norco, and/or Xanax, as set forth in subparagraph (a) above,  
8 without valid prescriptions from a physician, dentist, podiatrist, optometrist, veterinarian, or  
9 naturopathic doctor, in violation of Code section 4060.

10 **Self-Administration of Controlled Substances:**

11 c. On or about April 3, 2008, Respondent self-administered an unknown  
12 quantity of the controlled substance oxazepam without lawful authority therefor, as set forth in  
13 paragraph 28 below.

14 **TENTH CAUSE FOR DISCIPLINE**

15 **(Use of Controlled Substances to an Extent or in a Manner**

16 **Dangerous or Injurious to Oneself or Others)**

17 28. Respondent is subject to disciplinary action pursuant to Code section  
18 2878, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section  
19 2878.5, subdivision (b), in that on or about April 3, 2008, while on duty as a licensed vocational  
20 nurse at ORR, Respondent used the controlled substance oxazepam to an extent or in a manner  
21 dangerous or injurious to herself and/or others or to the extent that such use impaired her ability  
22 to conduct her nursing duties safely, as follows: On the date indicated above, at approximately  
23 1800 hours, Respondent was observed by various patients' family members sleeping at her  
24 medication cart. The family members reported Respondent's behavior to licensed staff. M. G.,  
25 the Director of Nursing, was called immediately to the station. When M. G. arrived, she

26  
27 1. Certified nursing assistant J. L. reported that she had requested pain medication for a patient 5 or 6 times.  
28 The patient called J. L., complaining that he had not received his medication. The patient's family member  
notified J. L. that Respondent was sleeping while giving medications. J. L. instructed the family member to  
contact the charge nurse.

1 observed Respondent on top of her medication cart with a pillow, asleep. M. G. immediately  
2 contacted the assistant Director of Nursing, J. N., and the two of them woke up Respondent.  
3 M. G. observed during her contact with Respondent that she had difficulty walking, her head was  
4 nodding with her eyes half open, her speech was slurred, and several times, she fell asleep in  
5 mid-sentence. Respondent was relieved from duty at approximately 1830 hours, and later agreed  
6 to provide a urine sample for drug testing. Respondent's husband drove her to Everyday Family  
7 Medical Group, where she provided a urine sample. Respondent tested positive for oxazepam.

### 8 ELEVENTH CAUSE FOR DISCIPLINE

#### 9 (False Entries in Hospital/Patient Records)

10 29. Respondent is subject to disciplinary action pursuant to Code section  
11 2878, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section  
12 2878.5, subdivision (e), in that on and between April 1, 2008, and April 3, 2008, while on duty as  
13 a licensed vocational nurse at ORR, Respondent falsified, or made grossly incorrect, grossly  
14 inconsistent, or unintelligible entries in hospital, patient, or other records pertaining to the  
15 controlled substances Dilaudid, oxycodone, Valium, Norco, and Xanax, as follows:

#### 16 Patient A:

17 a. On April 1, 2008, between 1530 and 2100 hours, Respondent signed out  
18 on the Controlled Drug Record a total of 12 tablets of Dilaudid for patient A when, in fact, the  
19 physician's order called for the administration of four tablets of Dilaudid for the patient every  
20 four hours as needed. Further, Respondent charted in the patient's MAR and nursing notes that  
21 she administered four tablets of Dilaudid to the patient at 1530 hours and another four tablets at  
22 1900 hours, but failed to chart in the MAR the administration or wastage of the remaining four  
23 tablets or otherwise account for the disposition of the four tablets of Dilaudid.

24 b. On April 2, 2008, at 1630 hours, Respondent signed out on the Controlled  
25 Drug Record four tablets of Dilaudid for patient A, but failed to chart the administration of the  
26 Dilaudid in the patient's MAR and nursing notes and otherwise account for the disposition of the  
27 four Dilaudid tablets.

28 ///

1 c. On April 2, 2008, at 2030 hours, Respondent signed out on the Controlled  
2 Drug Record four tablets of Dilaudid for patient A, but failed to chart the administration of the  
3 Dilaudid in the patient's MAR and nursing notes and otherwise account for the disposition of the  
4 four Dilaudid tablets.

5 d. On April 2, 2008, at 1730 hours, Respondent signed out on the Controlled  
6 Drug Record four tablets of immediate release oxycodone for patient A, but failed to chart the  
7 administration of the oxycodone in the patient's MAR and nursing notes and otherwise account  
8 for the disposition of the four oxycodone tablets.

9 e. On April 2, 2008, at 2230 hours, Respondent signed out on the Controlled  
10 Drug Record four tablets of immediate release oxycodone for patient A, but failed to chart the  
11 administration of the oxycodone in the patient's MAR and nursing notes and otherwise account  
12 for the disposition of the four oxycodone tablets.

13 f. On April 2, 2008, at approximately 1630 hours, Respondent signed out on  
14 the Controlled Drug Record one tablet of Valium for patient A, but failed to chart the  
15 administration of the Valium in the patient's MAR and nursing notes and otherwise account for  
16 the disposition of the one Valium tablet.

17 g. On April 2, 2008, at 2030 hours, Respondent signed out on the Controlled  
18 Drug Record one tablet of Valium for patient A, but failed to chart the administration of the  
19 Valium in the patient's MAR and nursing notes and otherwise account for the disposition of the  
20 one Valium tablet.

21 h. On April 3, 2008, at 1930 hours, Respondent signed out on the Controlled  
22 Drug Record one tablet of Valium for patient A when, in fact, she was relieved from duty at 1830  
23 hours.

24 i. On April 3, 2008, at 2230 hours, Respondent signed out on the Controlled  
25 Drug Record one tablet of Valium for patient A when, in fact, she was relieved from duty at 1830  
26 hours. Further, Respondent documented on that same record that the medication was "refused".

27 ///

28 ///

**Patient B:**

j. On April 3, 2008, at 1700 hours, Respondent signed out on the Controlled Drug Record a total of four tablets of Norco for patient B when, in fact, the physician's order called for the administration of only one to two tablets of Norco for the patient. Further, Respondent failed to chart the administration or wastage of the Norco in the patient's MAR and nursing notes and otherwise account for the disposition of the four Norco tablets.

k. On April 3, 2008, at 2000 hours, Respondent signed out on the Controlled Drug Record one Xanax tablet for patient B when, in fact, she was relieved from duty at 1830 hours.

**TWELFTH CAUSE FOR DISCIPLINE**

**(Dishonest Acts)**

30. Respondent is subject to disciplinary action pursuant to Code section 2878, subdivision (j), in that in or about March and April 2008, while on duty as a licensed vocational nurse at ORR, Respondent committed acts involving dishonesty while licensed as a vocational nurse, as set forth in paragraphs 27 (a) and 29 above.

**MATTERS IN AGGRAVATION**

31. To determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges as follows: On or about April 25, 2001, the Bureau issued Citation Number 01-0047-L against Respondent for violating Code section 2878, subdivision (e) (making or giving a false statement or information in connection with the application for issuance of a license) and California Code of Regulations, title 16, section 2521, subdivision (a) (crimes or acts substantially related to the qualifications, functions, or duties of a licensed vocational nurse, including procuring a license by fraud, misrepresentation, or mistake). Respondent disclosed on her application for vocational nurse license (Record of Conviction form) that she was convicted in 1993 of violating Vehicle Code section 23152, subdivision (b) (driving under the influence of alcohol) and Penal Code section 12031, subdivision (a) (carrying a loaded firearm), and convicted in 1994 of violating Vehicle Code section 23512, subdivision (b), but failed to disclose her 1993 conviction for violating Penal Code sections 602.5 (entering a



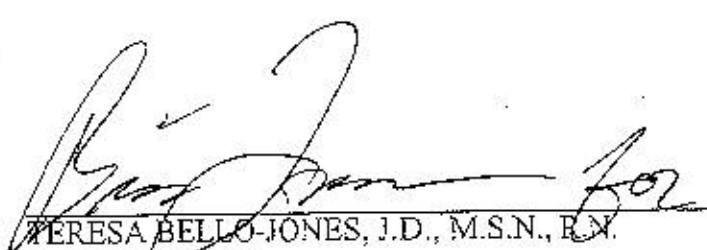
1 non-commercial building) and 484 (petty theft). Respondent was ordered to pay an  
2 administrative penalty or fine of \$250 on or before May 24, 2001. Respondent complied with the  
3 citation on May 23, 2001.

4 **PRAYER**

5 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
6 alleged, and that following the hearing, the Bureau of Vocational Nursing and Psychiatric  
7 Technicians issue a decision:

- 8 1. Revoking or suspending Vocational Nurse License Number VN 194866,  
9 issued to Lisa Marie Martin;
- 10 2. Ordering Lisa Marie Martin to pay the Board of Vocational Nursing and  
11 Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case,  
12 pursuant to Business and Professions Code section 125.3;
- 13 3. Taking such other and further action as deemed necessary and proper.

14  
15 DATED: 11/24/08

16  
17  
18   
TERESA BELLO-JONES, J.D., M.S.N., R.N.

19 Executive Officer  
20 Bureau of Vocational Nursing and Psychiatric Technicians  
21 Department of Consumer Affairs  
22 State of California

23  
24  
25  
26  
27 Complainant  
28